

AMENDED IN SENATE JUNE 25, 2003

AMENDED IN ASSEMBLY MAY 14, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 218

Introduced by Assembly Member Simitian

January 29, 2003

An act to ~~amend Section 65582 of~~ *add Section 65584.1 to the* Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 218, as amended, Simitian. Local planning: housing elements.

The Planning and Zoning Law requires a city or county to adopt a general plan for land use development that includes, among other things, a housing element. It also requires the Department of Housing and Community Development to determine the regional share of the statewide housing need, and each council of governments to determine the existing and projected housing need for its region.

~~This bill would define a senior housing unit or purposes of statutes relating to these housing element requirements.~~ *require the department to defer to the Department of Finance in a dispute between the department and a planning agency over the application of the definition of a housing unit. It would require the Department of Finance, in the situation, to make a written determination based on the most recent definition of a housing unit from the United States Census Bureau.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~—yes. State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Section 65582 of the Government Code is~~
SECTION 1. Section 65584.1 is added to the Government Code, to read:

65584.1. In any dispute between the department and a planning agency over the application of the definition of a housing unit, the department shall defer to the Department of Finance, which shall make a written determination based on the most recent definition of a housing unit from the United States Census Bureau.
~~amended to read:~~

~~65582. As used in this article:~~

~~(a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.~~

~~(b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.~~

~~(c) "Department" means the Department of Housing and Community Development.~~

~~(d) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (e) of Section 65302.~~

~~(e) (1) A senior housing unit includes a house, an apartment, a mobilehome, a group of rooms, or a single room that is occupied (or, if vacant, is intended for occupancy) as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building and that have direct access from outside the building or through a common hall. For vacant units, the criteria of separateness and direct access are applied to the intended occupants whenever possible. If that information cannot be obtained, the criteria are applied to the previous occupants.~~

~~(2) The definition set forth in this subdivision shall be applied to the housing element of a city or county commencing with the next revision of the housing element as required pursuant to this chapter that occurs on or after January 1, 2004.~~

1 ~~(f) “Low- and moderate-income households” means persons~~
2 ~~and families of low or moderate incomes, as defined by Section~~
3 ~~50093 of the Health and Safety Code.~~

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